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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

STEVEN M. NELSON,)	Case No.: 3:19-cv-01761-HZ
)	
Plaintiff,)	IN ADMIRALTY
vs.)	
)	SUPPLMENTAL DECLARATION OF
UNITED STATES OF AMERICA, by and)	RITA KIRCHHOFFER IN SUPPORT OF
through the NATIONAL OCEANIC and)	THE UNITED STATES' MOTION FOR
ATMOSPHERIC ADMINISTRATION,)	SUMMARY JUDGMENT
)	
Defendant)	Date: May 10, 2021
)	Time: 10 a.m.
)	Courtroom 15A
)	HON. MARCO A. HERNANDEZ

1 I, Rita Kirchhofer, declare as follows:

2 1. I have reviewed the declarations of Steven Nelson and Daniel Van Domelen, and
3 the photographs attached to the Nelson declaration. Based upon my education, training and
4 experience, I have reached the following supplemental opinions.

5 2. I agree that the subject welds were located on the underside of the gangway, where
6 the welded joint in the middle of the span was located.

7 3. I agree with the Mr. Domelen that the welds broke due to lack of penetration (LOP),
8 of the fillet weld joining two sections of the gangway. Mr. Domelen also agrees with my opinion
9 that LOP discontinuities are not inspectable by visual methods after fabrication, since the weld cap
10 hides the root area of the weld (i.e. internal weld discontinuity).

11 4. Mr. Domelen's states "it is probable the fractures gradually expanded outward
12 during the life of the gangway, and would have penetrated the weld caps well before the crew
13 would have deployed the gangway on October 24, 2017." I agree that the internal weld
14 discontinuity, i.e. LOP, that lead to the failure was the initiation site for fatigue crack growth that
15 likely occurred from the cyclic loading from use of the gangway. However, I do not agree with
16 Mr. Domelen's opinion that the crack would have penetrated the weld cap and therefore would
17 have been visible prior to sudden rupture on November 2, 2017. There is no evidence that the
18 fatigue crack had penetrated to the surface prior to the incident. That is, the critical crack size for
19 fracture may not have required a surface breaking crack. Therefore, the crack would have remained
20 hidden under the weld cap and it would not have been possible to visually detect. It is not possible
21 to tell from the photographic record the extent of cracking prior to the incident, in this regard it
22 appears Mr. Domelen and I are also in agreement.

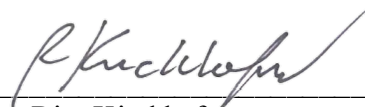
23 5. Mr. Nelson and Mr. Domelen claim that cracks were visible in the weld between
24 the right side of the hinge plate and the lower section of the gangway (see Nelson Declaration,
25 Exhibit 7). However, the features in the photographs may or may not be cracks at the toe of the

1 weld; the origins of such features are unknown and cannot be determined from the photographs
2 available for review. It is mere speculation to claim that these are “cracks” and that these “cracks”
3 were present prior to the sudden failure of the gangway. It is also speculative to assert that the
4 features observed on those welds, if they are indeed cracks, represented the same type of cracking
5 as that which caused the failure.

6
7 6. Periodic load testing of the gangway at five-year intervals may not have revealed
8 the presence of the internal weld discontinuity/crack unless the crack had reached critical size to
9 fail under the applied loading at the time of testing. Since there is agreement that it cannot be
10 determined how long the crack had been growing and the extent of the cracking prior to the weld
11 rupture, it is also speculative to say that load testing before the incident would have revealed the
12 crack.

13 I verify under penalty of perjury, in accordance with 28 U.S.C. § 1746, that the foregoing
14 is true and correct.

15 Dated this 14 day of April, 2021

16
17 

18 Rita Kirchhofer

CERTIFICATE OF SERVICE

I hereby certify that, on April 15, 2021, a true and correct copy of the foregoing
SUPPLMENTAL DECLARATION OF RITA KIRCHHOFFER IN SUPPORT OF THE UNITED
STATES' MOTION FOR SUMMARY JUDGMENT was served electronically through CM/ECF
on:

Charles Robinowitz
Law Offices of Charles Robinowitz

Attorneys for Plaintiff
Steven M. Nelson

/s/Eric Kaufman-Cohen
ERIC KAUFMAN-COHEN